

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANGEL SULLIVAN-BLAKE and HORACE
CLAIBORNE, on behalf of themselves and
others similarly situated,

Plaintiffs,

v.

FEDEX GROUND PACKAGE SYSTEM,
INC.,

Defendant.

Civil Action No. 2:18-cv-01698-RJC

Judge Robert J. Colville

INTERVENOR, TABE TRUCKING INC.'S MOTION TO INTERVENE

TABE Trucking Inc. (“TTI”), by and through the undersigned counsel and pursuant to Federal Rule of Civil Procedure 14(a) and 24(b), hereby moves to intervene in order to strike the notices of consent and dismiss *with prejudice* the Opt-In Plaintiffs (the “Opt-Ins”) currently or formerly directly employed by TTI who do not meet the definition of the putative class. Eleven (11) Opt-In Plaintiffs never drove a vehicle with a gross vehicle weight rating of 10,000 lbs. or less while directly employed by TTI. One (1) Opt-In Plaintiff did not drive a vehicle with a gross vehicle weight rating of 10,000 lbs. or less during any work week in which he worked more than forty hours. The remaining two (2) Opt-In Plaintiffs directly employed by TTI never drove a vehicle with a gross vehicle weight rating of 10,000 lbs. or less more than a minimal amount. Furthermore, as the direct employer of the opt-ins, and the owner of the vehicles they drove, TTI is better suited to present the MCA exemption defense to this Honorable Court. FedEx Ground Systems, Inc. (“FedEx”) has indicated that it may seek indemnity if TTI does not intervene in this

case, thus TTI has a substantial interest in this litigation. A memorandum in support is attached hereto, and incorporated herein by reference.

Respectfully submitted,

/s/ Nick A. Nykulak

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**Pro Hac Vice*

CERTIFICATE OF SERVICE

The undersigned does certify that on the 27th day of May 2021, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the applicable ECF registrants.

The following are those who are currently on the list to receive e-mail notices for this case:

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